

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 29, 2005**

UNAPPROVED
OCTOBER 19, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Byers announced his intent to defer the public hearing on 2232-V04-16, Fairfax County Park Authority, from October 6, 2005 to October 19, 2005.

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Commissioner Hart announced that the remaining public information work sessions regarding the Zoning Ordinance Amendment resulting from the Virginia Supreme Court decision in Donald H. Cochran, et al. v. Fairfax County Board of Zoning Appeals would be held on:

- October 6, 2005 at 7:30 p.m. in Conference Rooms 9 and 10, Fairfax Government Center, 12000 Government Center Parkway, Fairfax
- October 11, 2005 at 7:30 p.m. in Braddock Hall, Kings Park Library, 9000 Burke Lake Road, Burke

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Commissioner Byers MOVED THAT THE DECISIONS ONLY ON RZ 2003-MV-060 AND FDP 2003-MV-060, D. R. HORTON, INC., BE FURTHER DEFERRED TO OCTOBER 19, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Alcorn, de la Fe, and Harsel not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

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Commissioner Byers MOVED TO DEFER THE DECISIONS ONLY ON RZ 2005-MV-001 AND FDP 2005-MV-001, BROOKFIELD RIDGE ROAD, TO A DATE CERTAIN OF OCTOBER 19, 2005.

Commissioners Hopkins and Wilson seconded the motion which carried unanimously with Commissioners Alcorn, de la Fe, and Harsel not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-D05-14 - NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.
2. SE 2005-SU-020 - WHOLE WORLD FELLOWSHIP & CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND INVISIBLE TOWER, LLC
2232-Y05-10 - WHOLE WORLD FELLOWSHIP & CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND INVISIBLE TOWER, LLC
3. RZ 2005-DR-006 - BASHEER-EDGEMOORE-MOUTOUX, LLC
FDP 2005-DR-006 - BASHEER-EDGEMOORE-MOUTOUX, LLC
4. SEA 93-H-060 - COMMERCE BANK, NA
5. SE 2005-LE-018 - BRANCH BANKING & TRUST COMPANY OF VIRGINIA

This order was accepted without objection.

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2232-D05-14 - NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.- Appl. to construct a Distributive Antenna System telecommunications facility in the Great Falls area, consisting of antennas, aerial fiber optic cable, and conversion boxes attached to 29 existing or extended wood utility poles in the public rights-of-way for portions of Beach Mill Rd., Georgetown Pi., Old Dominion Dr., River Bend Rd., Seneca Rd., Springvale Rd., Swinks Mill Rd., and Utterback Store Rd., and an equipment hub facility located in existing commercial office space at 774B Walker Rd., Great Falls. Portions of Tax Maps 2-4, 3-3, 3-4, 6-2, 6-4, 7-1, 7-2, 7-3, 7-4, 8-1, 8-2, 13-2, 13-4, 14-3, 20-1,

20-2, 20-4, and 21-1 (Va. Dept. of Transportation rights-of-way); Tax Map 13-1 ((9)) 774B. Areas II and III. DRANESVILLE DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal by Nextel Communications of the Mid-Atlantic, Inc., to be substantially in accord with provisions of the adopted Comprehensive Plan.

Ed Donohue, Esquire, Holland & Knight, LLP, said Nextel was proposing to construct a network facility on an existing pole which had been built to allow the collocation of an additional carrier. He explained that at the request of the local community, the boxes would be moved at least ten feet from the ground if they conflicted with future cycling and horseback riding trails. He said also at the request of citizens, the boxes would be painted brown to match the pole. Mr. Donohue noted that the applicant had agreed to remove the facility within 90 days when it was no longer needed. He then introduced John Steele with Nextel Communications.

Mr. Steele narrated a slide presentation of the Distributive Antenna System that depicted the proposed fiber route, digital hub, and proposed coverage area in Great Falls. He added the applicant would be using existing wood distribution poles and locating the hub equipment in existing office spaces.

Commissioner Hopkins noted that this solution was not currently used anywhere else in the County and that due to the historically and environmentally sensitive areas in Great Falls it was commendable that the applicant would use existing poles and not disturb the ground in the area.

In response to questions from Commissioner Hopkins, Mr. Steele said that the proposal was a solution for telecommunications coverage on the roadways, not for home communications. He added that the applicant had attachment agreements with Verizon and Dominion Virginia Power stating that if Verizon and Dominion Virginia Power no longer had use for the distribution pole, the applicant would vacate as well.

In response to a question from Commissioner Harsel, Mr. Steele said that this telecommunications facility had a smaller footprint of coverage and was not a good solution for other types of applications.

Chairman Murphy stated that as former Chair of Fairfax County's Telecommunications Task Force, he felt this proposal was a tremendous benefit and that the task force had recommended that the Board of Supervisors include this kind of use in the Comprehensive Plan.

Chairman Murphy called the first listed speaker and recited the rules for testimony before the Commission.

James Robertson, 7209 Evans Mill Road, McLean, representing the McLean Citizens Association, said that although the solution was not ideal in the breadth of service provided, it did solve the problem in certain areas; therefore, The Association supported the application. (A copy of the resolution is in the date file.)

Don Frank, 9489 Oak Falls Court, Great Falls, said he lived five feet from the tower and expressed concern about possible emissions.

Chairman Murphy said that many seminars had been conducted within the County and that the Federal Telecommunications Act was very specific regarding the emissions issue.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Donohue for rebuttal remarks.

Mr. Donohue said that the site was and would continue to be in full compliance with all Federal Communications Commission guidelines, as sworn to by the applicant. He added the Telecommunications Act of 1996 prohibited the Commission from making a decision based on emissions if the proposal was shown to be in compliance.

There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION FIND APPLICATION 2232-D05-14, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Byers and Hart seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

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SE 2005-SU-020 - WHOLE WORLD FELLOWSHIP & CHURCH AT
NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND
INVISIBLE TOWER, LLC - Appl. under Sect. 3-E04 of the Zoning Ordinance
for an existing church and private school of general education to permit an
increase in students up to 135 and to permit the addition of a
telecommunications facility. Located at 10922 Vale Rd. on approx. 17.95

SE 2005-SU-020 and 2232-Y05-10 - WHOLE WORLD FELLOWSHIP & CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND INVISIBLE TOWER, LLC September 29, 2005

ac.of land zoned R-E. Tax Map 37-1 ((1)) 17 and 17A. (Concurrent with 2232-Y05-10.) SULLY DISTRICT.

2232-Y05-10 - WHOLE WORLD FELLOWSHIP & CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND INVISIBLE TOWER, LLC - Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to develop a telecommunications facility consisting of a 148-foot simulated tree monopole and associated equipment for multiple carriers, located at 10922 Vale Road, between its intersection with Berryland Drive and Valestra Court. Tax Map 37-1 ((1)) 0017. Area III. Copies of the application and a more specific description of the facility may be obtained from the Dept. of Planning and Zoning, 7th fl., Herrity Building, 12055 Government Center Pkwy., Fairfax. (Concurrent with SE 2005-SU-020.) SULLY DISTRICT. JOINT PUBLIC HEARING.

James Michal, Esquire, with Jackson & Campbell, P.C., reaffirmed the affidavit dated September 7, 2005. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) presented the staff report on SE 2005-SU-020, a copy of which is in the date file. She noted that staff recommended approval of the application.

Anita Capps, Planning Division, DPZ, presented the staff report on 2232-Y05-10, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal to be substantially in accord with provisions of the adopted Comprehensive Plan.

In response to questions from Commissioners Byers and de la Fe, Ms. Lewis said that to avoid adverse traffic situations, Development Condition Number 6 had been reworded to allow the church to conduct funerals or small meetings and conferences during school hours but not to hold worship services. Commissioner de la Fe commented that it appeared the government was telling a religious institution that it could not hold services and that was problematic. Commissioner Byers said the language did not even allow a church conference to be held during school hours. Ms. Lewis said that if the applicant had suggestions for clearer language, she would try to incorporate it in the proposed conditions.

Mr. Michal explained that the applicant did not feel Development Condition Number 6 inhibited the free expression or practice of religion and that staff had worked with the applicant to achieve appropriate language. He added the congregation and the school had worked together on scheduling activities previously with no adverse results.

Commissioner de la Fe suggested that the wording would be more appropriate if it was a proffer rather than a development condition.

Commissioner Koch suggested inserting language stating that there would be no concurrent uses when school traffic was entering or exiting the property which should alleviate traffic problems on Vale Road.

Responding to a suggestion from Commissioner Koch, Ms. Lewis said the previous language of "no concurrent use" would have prohibited the church from holding special events such as funerals or small meetings; therefore, it had been deleted. She added that the revised language in the development condition was a collaborative effort.

Commissioner Hart commented that the issue needed to be viewed in terms of scheduling rather than the prohibition of activities.

Commissioner Koch requested that staff reword Development Condition Number 6 prior to the Board of Supervisors' public hearing. He added that his motion would reflect the deletion of the changes with the understanding that staff would work on the language prior to the Board of Supervisors' (BOS) public hearing.

Mr. Michal agreed to revise Development Condition Number 6. He added that another change to the conditions addressed the increase of students and staff to enable a full contingent of students from kindergarten through 8th grade. Addressing the 2232 application, Mr. Michal explained the monopole-type structure would be positioned on the down slope of the property so there would be a partial buffer to the houses across the street. He said discussions were underway with other telecommunications providers and if the application were to be approved, the area would benefit by the additional coverage. Mr. Michal proceeded to read letters of support into the record; one from the caretaker of the Girl Scout camp adjacent to application site and one from a current resident of the area.

Commissioner Koch commented that the development condition discussed earlier was associated with the Special Exception application, which would need to go to the BOS for approval, but that the 2232 could be decided this evening.

In response to a question from Commissioner Harsel, Mr. Michal said the telecommunications facility would be approximately 2500 square feet consisting of only four 10 by 20 foot cement slabs.

In response to questions from Commissioner Wilson, Ms. Lewis and Mr. Michal explained the 140-foot pole structure would look like a pine tree with the antennas at staggered heights inside the framework and that Development Condition Number 8 allowed for a maximum of 24 employees. Concerning Development Condition Number 18, Ms. Lewis and Mr. Michal said the Zoning Administrator would have the right to waive the condition since the Federal Aviation Administration only required a steady marker light if the pole was higher than 199 feet.

In response to a question from Commissioner Wilson, Ms. Lewis said the inclusion of the phrase "super silt fencing" in Development Condition Number 22 came from the Urban Forester's language and she would verify it prior to the BOS hearing.

Chairman Murphy called the listed speaker.

Robert Fritz, 2709 Verily Court, Oakton, spoke in favor of the application. He commented on the need for a stronger signal in the area and had no concern about the aesthetics or possible emissions.

Judy Caplan, 2131 Twin Mill Lane, Oakton, expressed opposition to the application citing an emissions concern, the inappropriateness of a tower in a residential area, and the Girl Scout Camp's previous denials to requests for the installation of a tower. She said that the applicant had previously installed a lighted sign that was also inappropriate. Ms. Caplan commented that she heard the applicant was a fundamentalist church and that they might have the ability, through the new tower, to filter information from wireless local area network users in the neighborhood.

Chairman Murphy took umbrage with the Ms. Caplan's comment and called upon Mr. Michal for a rebuttal statement.

Mr. Michal explained that previous requests to install a telecommunications facility on the Girl Scout camp had failed due to potential construction restrictions on an institutional property. He said he had two letters from the Girl Scouts of America supporting the facility. Addressing the emissions concern, Mr. Michal said emissions from the site would be well under the federally permitted levels and the applicant would ensure that the operations were maintained within the guidelines.

Responding to a question from Commissioner Koch, Mr. Michal stated that although the tower was located on the church property, the church would have no control over what was transmitted or received.

Ms. Lewis, in response to a question from Commissioner Koch, said she would verify that the church had the proper permits for their lighted sign and if not, she would add a condition that all signs needed to meet the Zoning Ordinance.

Mr. Michal commented that the majority of revenues generated by the facility would be used for missionary work in impoverished areas.

In response to a question from Commissioner Alcorn, Mr. Michal stated the wireless internet service range would be increased as well.

Mr. Michal agreed to Commissioner Byers' request to have the picture of the proposed tree pole submitted to staff and become part of the permanent record of the case.

SE 2005-SU-020 and 2232-Y05-10 - WHOLE WORLD FELLOWSHIP September 29, 2005
& CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN
SCHOOL AND INVISIBLE TOWER, LLC

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION FIND THAT THE CONSTRUCTION OF THE TELECOMMUNICATIONS FACILITY PROPOSED UNDER 2232-Y05-10 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED BY SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND THEREFORE IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Lawrence absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2005-SU-020, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 28, 2005, DELETING THE CHANGES TO CONDITION 6, AND WITH THE UNDERSTANDING THAT STAFF WILL BE WORKING ON THE WORDAGE PRIOR TO THE BOARD PUBLIC HEARING.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Lawrence absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD MODIFY THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE PROPERTY LINES TO THE EXISTING VEGETATION, AS SHOWN ON THE SE PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Lawrence absent from the meeting.

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RZ 2005-DR-006 - BASHEER-EDGEMOORE-MOUTOUX, LLC
FDP 2005-DR-006 - BASHEER-EDGEMOORE-MOUTOUX, LLC - Appls.
to rezone from R-A and R-1 to R-1 (11.20 ac.) and PDH-1 (57.97 ac.) to
permit residential development at a density of 0.27 dwelling units per acre
(du/ac) within the R-1 portion and 0.98 du/ac within the PDH-1 portion and
approval of the conceptual and final development plans within the PDH-1

portion. Located 600 ft. S. of Leesburg Pke. and W. of Beulah Rd. on approx. 69.17 ac. of land. Comp. Plan Rec: .2 - .5 du/ac (approx. 12.02 acres) and .5 - 1 du/ac (approx. 57.15 acres), private open space and private recreation. Tax Map (RZ) 19-1 ((3)) 2Z pt.; 19-3 ((1)) 5, 8, 9Z, 11A and 42Z pt. Tax Map (FDP) 19-1 ((3)) 2Z pt., 8, 9Z pt. and 42Z pt. DRANESVILLE DISTRICT. PUBLIC HEARING.

Greg Riegle, Esquire, McGuire Woods LLP, reaffirmed the affidavit dated September 6, 2005. There were no disclosures by Commission members.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

In response to a question from Commissioner Hopkins, Mr. Braham reviewed issues concerning the applicant's proposal to build a regional stormwater management pond that would treat the water from this site as well as from an area off site. He noted that the County would not normally maintain a wet pond in a residential area; however, since it was a regional pond, the County would maintain it. Mr. Braham explained that if the dam was taller than 25 feet, it would then become a state-regulated dam, and the homeowners association would take over the maintenance of it, not the County. He added that additional facilities such as a gazebo, a bridge, trails, and landscaping around the pond would not be maintained by the County.

Responding to a question from Commissioner Byers, Mr. Braham said that the homeowners association would not be responsible for maintaining the pond levels during a drought.

In response to questions from Commissioner Harsel, Mr. Braham said, as shown on the Conceptual Development Plan currently, the dam height would be 24.8 feet but that there was a possibility it could be above the 25-foot limitation.

In response to questions from Commissioner Hart, Mr. Braham explained that the applicants owned Outlot A and the area adjacent to the Outlot was a pathway connection for pedestrians and emergency vehicles. He added that staff's position was that the pathway area should be a public street connection between the proposed development and the adjoining neighborhood. Mr. Braham said that staff had not yet determined whether that parcel would be dedicated to the homeowners association or would be maintained by the applicants.

Mr. Riegle said that staff was adamant that if the property was to be developed, a regional wet pond, as shown on the Public Facilities Maps, be added. He explained that the applicant's engineers wanted to keep the dam under the 25-foot threshold so the County would be responsible for maintaining it. Mr. Riegle noted that the intention was to set up the homeowners association so that minor maintenance responsibility for Outlot A, which presently served as a

driveway for an existing house and the adjacent area would belong to the association and be used solely for emergency vehicles and pedestrian access.

Mr. Riegle said the proposed development would maximize the use of the currently cleared areas and retain significant environmental features. He said that 17 acres of land would be dedicated to the Park Authority, making a private amenity public open space with a system of walking trails. Mr. Riegle noted that the lots were oriented to maximize views and accessibility to the open space. He noted that with the exception of two loop roads, most of the streets would be public; a peripheral buffer and tree save area were being proffered to provide a good transition to neighboring areas; public access would be provided, as requested by Blueberry Hill residents; and emergency vehicle, pedestrian, and bicycle access via Outlot A would be provided, as requested by the Spring Ridge community. He indicated that the standard condemnation proffer could be deleted if there was sufficient right-of-way to do all the improvements. Mr. Riegle pointed out that environmental benefits included returning a large amount of pavement to a natural condition and providing a regional pond that would meet the BMP requirements. He said the requests of the community and the Dranesville District leadership for Low Impact Development (LID) measures would be achieved by porous pavers, swales, rain gardens, and environmentally correct grass ditches, which would allow runoff to flow through the community. Mr. Riegle explained the developer had agreed to study LID measures for up to three years after the final RUP had been issued, which would provide the County with good information on the effectiveness of them. He indicated that the applications had the support of the McLean Citizens Association and had been improved by the community input.

In response to a question from Commissioner Hopkins about a concern which had been expressed by a Spring Ridge homeowner regarding the elevation of parcel 16, Mr. Riegle explained that grading and infill were needed to construct the stormwater pond and associated dam and certain horizontal and vertical curve requirements associated with the public street requirements were also needed. He added that the proffers included a commitment to bury the basement of the house so that the visual appearance would be that of a two-story house. Mr. Riegle said that the applicant was willing to work with County engineers to see if anything else could be done to reduce the elevation. He added the applicant was also committed to enhanced tree preservation, relocation of some utilities to ensure the trees were viable, and to provide supplemental plantings to help to improve the appearance of the house.

In response to questions from Commissioner Harsel, Mr. Riegle described the proposed designs for the terrace park and the promenade park and explained that there would be a grassed area on one side of the pond for casual recreation.

Responding to questions from Commissioner Hart, Mr. Riegle agreed to work with staff during the deferral period to address the issues raised about Outlot A and the adjoining parcel of land.

In response to a question from Commissioner Byers, Mr. Riegle said the homeowners association would be responsible for maintaining the level of water in the park's fountain.

Chairman Murphy called the first listed speaker.

Robert Norcross, 9712 Spring Ridge Lane, Vienna, said he was the homeowner Mr. Riegle referenced earlier who had concerns about the proposed elevation of parcel 16. He stated that the regraded area would be within the drip lines of large trees which could potentially harm the trees and would raise the height of the house to approximately 55 feet above the natural grade, which he thought was excessive. He noted Fairfax County regulations stated that such regrading should only be done where necessary and he felt it was not warranted in this situation. Mr. Norcross pointed out that parcels 17 and 18 were at or under the grade of the road and for that reason it would be inconsistent to have lot 16 five and a half feet above the road. He said the driveway was on the higher end of the parcel and should be relocated. Mr. Norcross said he agreed with others in the Spring Ridge community regarding Outlot A.

In response to a question from Commissioner Hopkins, Mr. Norcross said that the only action he was requesting was that the driveway be relocated and that his other points were reasons why the regrading was not necessary.

Marion Erickson, 9692 Farmside Place, Vienna, representing the Blueberry Hill Community Association, said the applicant had devoted a substantial amount of time communicating with the her community throughout the rezoning process. She added that the applicant had promised substantial accommodations in terms of the transition areas between the two communities including abandonment of the Blueberry Hill road connection to Route 7, and returning the right-of-way to the farm. Ms. Erickson said Blueberry Hill residents supported the proposed development as long as there would be no cost to their association, the proposed improvements to Beulah Road would be made before their connection was moved, and the new connector road would meet the association's approval.

Gene O'Brien, 9714 Spring Ridge Lane, Vienna, representing Spring Ridge Community, said it supported the proposed development along with proffers as proposed. He added that the Spring Ridge community was opposed to a road being constructed on Outlot A to connect Spring Ridge Lane to the proposed Maymont development. Mr. O'Brien said that in working with the developer, the Spring Ridge community had proposed an alternative plan, through Proffer Number 25, addressing interparcel access prohibitions to Spring Hill which would provide and promote safety, practicality, social interaction, and provide emergency access.

In response to Commissioner Hopkins, Mr. O'Brien said the Spring Ridge residents who were in attendance tonight supported his position on interparcel access. Commissioner Hopkins commented that she also supported the citizens' position and Proffer Number 25.

Commissioner Wilson expressed concern that the new community of 60 homes, in addition to the 19 existing homes in Blueberry Hill, would have only one access in and out from Beulah Road. She added that standard policy was to have two access points in and out of a community and the emergency access did not satisfy her concern.

In response to a question from Commissioner Wilson, Mr. O'Brien explained that when he purchased his home he had not been informed of the future use of the stub street. He said that he felt confident that the improvements proposed for Beulah Road would handle an increase in traffic.

In response to a question from Commissioner Hart, Mr. Braham said that Outlot A was not a right-of-way but a privately-owned parcel.

Remo Perini, 1415 Rosewood Hill Drive, Vienna, representing the Chase Hill community, said an additional turn lane on Beulah Road would not alleviate congestion. He stated that the community wanted to retain the current look and feel of the area. Mr. Perini said it was reasonable to request the Moutoux orchard be developed at the lowest possible density with the maximum of one home per two acres. He suggested that Fairfax County buy the land and leave it in its natural state or develop a park.

Chairman Murphy commented that when Mr. Perini's neighborhood had been built, adjoining property owners probably had not been pleased either.

In response to a question from Chairman Murphy, Mr. Braham said that the proposed development was within the density ranges specified in the Comprehensive Plan.

Commissioner de la Fe invited Mr. Perini to attend a community meeting being held at Madison High School to address the proposed plans for Hunter Mill Road.

James Smith, 9816 Spring Ridge Lane, Vienna, aligned himself with Mr. O'Brien's comments. He said that the added traffic would be a safety hazard since his neighborhood had no sidewalks. Mr. Smith noted that when he had purchased his home, his real estate agent said the property now being considered for a through street was a driveway and he felt that it should remain as one.

Arthur Ingberman, 9704 Mossy Stone Court, Vienna, said he supported maintaining Outlot A for pedestrian use because it would promote an interchange between people, be safe for children, and maintain the character of the community.

In response to a question from Commissioner Harsel, Mr. Ingberman said there were 48 houses in his development.

Jeff O'Connell, 9706 Spring Ridge Lane, Vienna, spoke in support of the submitted plan which would allow only emergency and pedestrian access through the Spring Ridge development to the new community. He said that his community had worked with the applicant to develop an acceptable plan but if the communities were linked by a public access road, their work would be negated.

Erica Kenney, 9720 Spring Ridge Lane, Vienna, said the residents supported the proffer that contained a prohibition on providing a public road. She said that if the Department of Transportation were allowed to overrule that proffer, the safety of the residents would be at risk with the potential for a large increase in traffic in an area with no streetlights or sidewalks. She added that the criteria for vehicle connections between neighborhoods required traffic-calming measures to discourage cut-through traffic, increased safety, and reduced vehicle speed, and that this would not be accomplished with an inter-parcel connection.

Chuck Clopton, 9818 Spring Ridge Lane, Vienna, aligned himself with the remarks of the previous speakers and stated he was against making Outlot A anything other than an emergency access road and walkway. He added that the community thanked Commissioner Hopkins for the time she devoted to studying and understanding the concerns of the neighborhood.

Grady Carlson, 9718 Spring Ridge Lane, Vienna, said he lived immediately adjacent to Outlot A and that it resembled a driveway. He added he was opposed to any sort of road access other than for emergency purposes or for a pedestrian trail.

James Robertson, 7209 Evans Mill Road, McLean, representing the McLean Citizens Association, spoke in support of the application but expressed opposition to paving Outlot A. He said that added traffic from the proposed development through the Blueberry Hill community would not be significant and therefore the reason for the access road was invalid.

Jack Wilbern, 9687 Farmside Place, Vienna, said a Hunter Mill special study group would support the application if the applicant would pursue LID strategies and build a sustainable community. Mr. Wilbern requested that the Planning Commission try to accelerate the study on the regional pond component so that some of the upstream remediation and the outfall could be reviewed. He said that the applicant seemed to be willing to entertain solutions to mitigate the need for a wet pond which could reduce the height of the dam.

In response to a question from Commissioner de la Fe, Mr. Wilbern said that staff needed to respond to the Virginia Department of Transportation review and address the connection to the Blueberry Hill community. He said the abandonment of the road by the Newcomb farm needed to be accomplished as indicated by staff.

Julia Rose, 10201 Westford Drive, Vienna, said she was in the process of reviewing the historic aspects of the property and hoped the land would be turned into a park.

Hana Newcomb, 9627 Leesburg Pike, Vienna, owners of the Potomac Vegetable Farms, requested that the stub street connection within the Spring Ridge subdivision be put in with this development so that she would not have to use Beulah Road to access her farm by tractor. She expressed concern that the easement for a future connection would not be honored even though it was proffered.

In response to questions from Commissioner Hart, Mr. Braham said the section of land Ms. Newcomb referred to was a future interparcel connection and was proffered to be made available as such with notice to the homeowners association. Mr. Braham said that the access was wide enough for a driveway but not a public street.

In response to a question from Commissioner Harsel, Mr. Braham said stream crossings were allowed within an RPA.

Commissioner Wilson agreed with Ms. Newcomb that the access way should be paved with this development because there was a good possibility it would not be done in the future.

There were no further speakers; therefore, Chairman Murphy called for a rebuttal statement from Mr. Riegle.

Mr. Riegle, addressing Ms. Newcomb's concern, said precautions were being taken, such as recording documents and placing physical signs on the property to ensure that the access way would be paved in the future. Addressing the issue raised by Mr. Norcross, he said that if there was an opportunity to lower the elevation of parcel 16, the developer would endeavor to do it. Mr. Riegle explained that the applicant would bear the costs of removing the street and facilitating the connection to the Blueberry Hill community. He reiterated that 17 acres would be dedicated for park purposes with trails constructed by the applicant. Mr. Riegle said due to the stream restoration required, there would be a net benefit to the quality and condition of the stream. He added that he believed the revisions to the proffers, as requested by Mr. Wilbern, could be accomplished.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP 2005-DR-006 TO A DATE CERTAIN OF OCTOBER 6, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioners Hall and Lawrence absent from the meeting.

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SEA 93-H-060 - COMMERCE BANK, NA - Appl. under Sect. 6-304 of the Zoning Ordinance to amend SE 93-H-060 previously approved for a service station and quick service food store to permit deletion of the previously

approved uses and permit a drive-in bank. Located in the N.E. quadrant of the intersection of Baron Cameron Ave. and Bennington Woods Rd. on approx. 1.50 ac. of land zoned PRC. Tax Map 17-1 ((7)) 4D2. HUNTER MILL DISTRICT. PUBLIC HEARING.

Bob Lawrence, Esquire, Reed Smith LLP, reaffirmed the affidavit dated August 23, 2005. Commissioner Hart disclosed that his law firm had two pending cases with Mr. Lawrence's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Commissioner de la Fe asked Chairman Murphy to ascertain whether there was anyone present who wished to address this application. Receiving no response, Chairman Murphy waived the presentations by the applicant and staff, closed the public hearing, and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 93-H-060, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 28, 2005 APPEARING IN ATTACHMENT 3 TO THE MEMORANDUM FROM MR. WILLIAMS RECEIVED LAST NIGHT.

Commissioners Alcorn and Hopkins seconded the motion which carried unanimously with Commissioner Murphy not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

Commissioner de la Fe FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN PROPERTY LINE OF THE SUBJECT SITE.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Murphy not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE OF THE SUBJECT SITE.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Murphy not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

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SE 2005-LE-018 - BRANCH BANKING & TRUST COMPANY OF VIRGINIA - Appl. under Sect. 4-804 of the Zoning Ordinance to permit a drive-in bank. Located at 7025 A Manchester Blvd. on approx. 1.32 ac. of land zoned C-8. Tax Map 91-1 ((12)) N pt. LEE DISTRICT. PUBLIC HEARING.

Ben Tompkins, Esquire, Reed Smith LLP, reaffirmed the affidavit dated February 16, 2005. Commissioner Hart disclosed that his law firm had two pending cases with Mr. Tompkins' law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Commissioner Lusk asked Chairman Murphy to ascertain whether there was anyone present who wished to address this application. Receiving no response, Chairman Murphy waived the presentations by the applicant and staff, closed the public hearing, and recognized Commissioner Lusk for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2005-LE-018, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 21, 2005.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Hart and Murphy not present for the vote; Commissioners Hall and Lawrence absent from the meeting.

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The meeting was adjourned at 11:42 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission